

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

L.G.C.,

Petitioner,

-v.-

THOMAS DECKER, DIRECTOR, NEW YORK ICE
FIELD OFFICE; KENNETH GENALO, ASSISTANT
DIRECTOR, NEW YORK ICE FIELD OFFICE; TAE
JOHNSON, ACTING DIRECTOR, U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT; ALEJANDRO
MAYORKAS, SECRETARY, U.S. DEPARTMENT OF
HOMELAND SECURITY; MERRICK GARLAND,
ATTORNEY GENERAL OF THE UNITED STATES;
CARL DUBOIS, SHERIFF OF ORANGE COUNTY;
ANTHONY M. MELE, COLONEL FOR ORANGE
COUNTY SHERIFF'S OFFICE CORRECTIONS
ADMINISTRATION; LAWRENCE CATLETTI, CAPTAIN
FOR ORANGE COUNTY SHERIFF'S OFFICE
CORRECTIONS ADMINISTRATION; NICOLE KAYE,
CLINICAL DIRECTOR FOR ORANGE COUNTY
CORRECTIONAL FACILITY MENTAL HEALTH; DANA
EHRIG, HEALTH SERVICES ADMINISTRATOR FOR
WELLPATH CORRECTIONAL MEDICAL SERVICES,

Respondents.

21 Civ. 8800 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

After reviewing the parties' submissions in connection with Petitioner L.G.C.'s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Dkt. #3), Petitioner's motion for a preliminary injunction (Dkt. #5-6), and Respondents' joint opposition to both applications (Dkt. #14-18); and after hearing oral argument from the parties on December 2, 2021, the Court concludes that it would be appropriate to appoint its own expert witness in order to evaluate Petitioner and make an independent determination

concerning the various cognitive and mental health issues that have been ascribed to Petitioner by the parties. To that end, the Court hereby ORDERS the appointment of Dr. Barry Rosenfeld to conduct a forensic examination and prepare a report on these issues. Good cause having been shown, and upon all prior proceedings in this case, the Court further ORDERS that the Government shall pay the reasonable fees of Dr. Rosenfeld incurred in performing an independent psychological examination of Petitioner and in preparing a report for the Court.

In order to permit Dr. Rosenfeld to conduct his evaluation, the Court hereby ORDERS that Dr. Rosenfeld — and, if and as appropriate, any colleagues assisting him, including interpreters — be permitted to meet with Petitioner L.G.C. in the Orange County Correctional Facility, located in Goshen, New York, or in the offices of U.S. Immigration and Customs Enforcement at 201 Varick Street, New York, New York. It is further ORDERED that Dr. Rosenfeld and his colleagues are authorized to bring any and all materials into the Orange County Correctional Facility or 201 Varick Street that are necessary in order to conduct the evaluation of Petitioner.

SO ORDERED.

Dated: December 13, 2021
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge